



41 1615

AMENDMENT TRANSMITTAL LETTER (Large Entity)			Docket No. C-3320/1/US		
Applicant(s): Le, T.T. et al.					
Serial No. 09/932,494	Filing Date August 17, 2001	Examiner S. Tran	Group Art Unit 1615		
Invention: Oral Fast-Melt Formulation Of A Cyclooxygenase-2 Inhibitor					
TO THE COMMISSIONER FOR PATENTS: Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	76 -	89 =	0 x	\$18.00	\$0.00
INDEP. CLAIMS	2 -	3 =	0 x	\$84.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-1025 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. </div> <div style="text-align: right;"> Dated: January 6, 2004 </div> </div> <div style="margin-top: 20px;"> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  Signature </div> <div> Dated: January 6, 2004 </div> </div> </div>					
<div style="border: 1px solid black; padding: 5px;"> <p>I certify that this document and fee is being deposited with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <div style="text-align: center;">  Signature of Person Mailing Correspondence </div> <div style="text-align: center; margin-top: 5px;"> Kenton N. Fedde Typed or Printed Name of Person Mailing Correspondence </div> </div>					
CC:					



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APPLICANT: Le, T.T. *et al.*) ATTORNEY DOCKET NO.: C-3320/1/US
SERIAL 09/932,494) GROUP ART UNIT: 1615
NO.:
FILED: August 17, 2001) EXAMINER: S. Tran
TITLE: ORAL FAST-MELT FORMULATION OF A CYCLOOXYGENASE-2
INHIBITOR
DATE: 06 January, 2004

CERTIFICATE OF MAILING

I hereby certify that this communication and its recited enclosures are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on 06 January 2004.


Kenton N. Fedde

Interview Summary and Supplemental Amendment

Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

Sir:

37 C.F.R. § 1.133 SUMMARY OF INTERVIEW

I. Introductory Comments:

On October 23, Examiner Tran graciously conducted an interview with James Forbes and Kenton Fedde ("interviewers"), respectively agent and attorney for Applicants. While Applicant believes that no extension of time is required, please charge any appropriate fees to Deposit Account No. 19-1025.

II. REMARKS

The subject of the interview was the Applicant's amendment filed on 22 September 2003 as a submission under 35 U.S.C. §114 (Paper 21). No office action responsive to Applicant's amendment had been prepared at the time of the interview.

Interviewers discussed the amendment to Claim 1 proposed in Paper 21 and reviewed "remarks" submitted with the amendment. Specifically, Interviewer's pointed out that:

- (a) Claim 1 term "a step for inhibiting agglomeration of the drug" falls under 35 U.S.C. §112 p6.
- (b) According to 15 F.3d 1573 Fed. Cir. 1993, to anticipate Claim 1, a prior art reference would have to, among other requirements, teach both structure and function of the §112 p 6 term.
- (c) Neither Mizumoto (U.S. Patent No. 5,576,014) nor Jain (U.S. Patent No. 6,316,029) teach the use of a structure (e.g. an agglomeration inhibitor) to inhibit agglomeration of an agglomerating drug.

The Examiner indicated that:

- (a) "In order for the prior art to anticipate/[make] obvious, the structure and the function have to be taught." (Examiners Interview summary)
- (b) Claim 102, as proposed by amendment (Paper 21), has an improper dependency on Claim 99 and could be made properly dependent upon Claim 101.
- (c) A new search will be performed and the patentability of the application will be carefully determined.

C-3320/1/US

Summary of Interview of 23 Oct 2003

Suppl. Amdt. dated 06 January 2004

SUPPLEMENTAL AMENDMENT FILED UNDER 37 C.F.R. 1.111

Please amend the claims of the above-referenced application as follows:

Amendments to the Claims are reflected in the listing of claims that begins on page 4 of this paper.

Remarks/Arguments begin on page 13 of this paper.